

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRENCE M. TAYLOR,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-23-758-HE
)	
RICK WHITTEN, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Terrence M. Taylor, a state prisoner appearing *pro se*, brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Amanda Maxfield Green for initial proceedings. On March 29, 2024, Judge Green issued a Report and Recommendation recommending the court dismiss plaintiff's complaint without prejudice and deny plaintiff's other pending motions. Plaintiff was advised of his right to object to the Report and Recommendation, and he has filed a timely objection.

Judge Green found that Heck v. Humphrey, 512 U.S. 477 (1994) and Edwards v. Balisok, 520 U.S. 641 (1997) applied to this case, and because plaintiff was currently seeking judicial review of his disciplinary conviction in the Oklahoma County District Court, she found that plaintiff's § 1983 claims were premature and should be dismissed without prejudice. Plaintiff asserts that this case should be stayed, rather than dismissed. As part of its inherent power to control its docket, a court has the power to stay proceedings pending before it. See Landis v. N. Am. Co., 299 U.S. 248, 254 (1936). However, having

reviewed the filings in this case and as the pending state proceeding may resolve the matters otherwise at issue, the court concludes this case should be dismissed without prejudice to its refiling if that is appropriate upon disposition of the state proceedings.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #22] for substantially the reasons stated in the report and **DISMISSES** this case without prejudice.

The various pending motions [Doc. # 11, 16, and 19] are **STRICKEN** as **MOOT**.

IT IS SO ORDERED.

Dated this 19th day of April, 2024.



JOE HEATON
UNITED STATES DISTRICT JUDGE